

RECEIVED

JAN 09 2014

DOUGLAS E. ARPERT  
U.S. MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

:

Hon. Douglas E. Arpert, U.S.M.J.  
Mag. No. 13-2558

:

v.

:

KAMAL J. JAMES  
and CRYSTAL G. HAWKINS

:

ORDER GRANTING  
DEFENDANTS' MOTION  
to PROCEED WITHOUT  
COUNSEL

This matter having come before the Court on application of Defendants KAMAL JAMES and CRYSTAL HAWKINS, for an ordering granting each the right to proceed without counsel, and

WHEREAS, the Court has considered the written submissions of Defendants KAMAL JAMES and CRYSTAL HAWKINS, as well as the memorandum of law of the UNITED STATES OF AMERICA (by Nicholas Grippo, AUSA); and

WHEREAS, the Court has considered the statements of Defendants KAMAL JAMES and CRYSTAL HAWKINS at the hearing on this matter dated January 7, 2014; and

WHEREAS, the Court has considered the oral arguments of appointed counsel Bruce Throckmorton, Esq. (appointed to represent KAMAL JAMES) and Andrea D. Bergman, Esq. (appointed to represent CRYSTAL HAWKINS)(both appointed at the initial hearing on October 23, 2013); as well as the arguments of Assistant United States Attorney Nicholas Grippo; and

WHEREAS, the Court finds as follows:

1. Defendants KAMAL JAMES and CRYSTAL HAWKINS each unequivocally and timely asserted their right to proceed in this matter without counsel;

2. Defendants KAMAL JAMES and CRYSTAL HAWKINS are competent to make the decision as to whether or not to proceed in this matter without counsel;
3. Defendants KAMAL JAMES and CRYSTAL HAWKINS understand the charge in the criminal complaint in this matter, the elements of the offense, and potential penalties they face if convicted of the charge in the criminal complaint;
4. Defendants KAMAL JAMES and CRYSTAL HAWKINS have been advised of, and both understand, their constitutional right to counsel at every stage, including trial, of the proceedings;
5. Defendants KAMAL KAMES and CRYSTAL HAWKINS have been advised of, and both understand, the risks associated with proceeding without counsel, the difficulties of defending a federal criminal charge, and the requirement that they comply with the Rules of the Court and the Rules of Evidence at a trial on the charges;
6. Defendants KAMAL JAMES and CRYSTAL HAWKINS have both agreed that they can follow the Rules of the Court and the Rules of Evidence, and that they understand the Court will not provide either more or less favorable treatment in any aspect of the case if they elect to proceed without counsel.
7. Defendants KAMAL JAMES and CRYSYAL HAWKINS have been advised, and they understand, they may have defenses and arguments that are conflicting with one another and that they could proceed with counsel even if the other chooses to represent him or herself;
8. Neither defendant KAMAL JAMES, nor defendant CRYSTAL HAWKINS, is being coerced or threatened in any manner by anyone else, and neither has been made any promises or given inducements of any kind, to proceed without counsel; and


9. Upon consideration of all facts and circumstances, and having conduct an inquiry of each of the defendants separately in accordance with Faretta v. United States, 422 U.S. 806 and United States v. Peppers, 302 F.3d 120, the Court finds defendants KAMAL JAMES' and CRYSTAL HAWKINS's respective decisions to proceed without counsel are knowing, intelligent, and voluntary.

IT IS, THEREFORE, on this 9<sup>th</sup> day of January, 2014

ORDERED that Defendants KAMAL JAMES and CRYSTAL HAWKINS' motion to proceed without counsel is GRANTED;

Court-appointed counsel are discharged from representation of defendants KAMAL JAMES and CRYSTAL HAWKINS, and

Defendants KAMAL JAMES and CRYSTAL HAWKINS may represent themselves in all proceedings before the Court.

  
\_\_\_\_\_  
Hon. Douglas E. Arpert  
United States Magistrate Judge